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The situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

Summary

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, submitted in accordance with Human Rights Council resolution 16/9.

The Special Rapporteur officially assumed responsibility for the mandate on 1 August 2011 and has since notified the Secretariat that, owing to his late appointment, he would not be in a position to present a substantive report, but would focus instead on presenting his proposed methodology and cataloguing the most recent trends in the human rights situation in the Islamic Republic of Iran.

This would emphasize the need for greater transparency and cooperation from the Islamic Republic of Iran.

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Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Contents

		Page
I.	Introduction	3
II.	Proposed methodology of work	4
III.	Human rights situation	6
	A. Treatment of civil society actors	7
	1. Political activists	7
	2. Journalists	9
	3. Student activists	11
	4. Artists	12
	5. Lawyers	13
	6. Environmentalists — Save Lake Urmia Campaign	13
	B. Freedom of assembly	14
	C. Women's rights	15
	D. Religious and ethnic minorities	16
	E. Capital punishment	19
	F. Detention for relations with foreign entities	20
IV.	Conclusion	20

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 16/9, which establishes the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. This is the first country mandate of the Human Rights Council on the Islamic Republic of Iran since the termination in 2002 of the mandate of the former Commission on Human Rights. The resolution mandates the Special Rapporteur to: (a) submit an interim report to the General Assembly at its sixty-sixth session and (b) to submit a report to the Human Rights Council for consideration at its nineteenth session. It also calls upon the Government of the Islamic Republic of Iran to cooperate fully with the mandate holder and to permit access to visit the country as well as provide all necessary information to enable the fulfilment of the mandate.

2. The President of the Human Rights Council appointed the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran on 17 June 2011. Mr. Shaheed officially commenced his mandate on 1 August 2011, at which time he wrote to the authorities in the Islamic Republic of Iran to seek their cooperation in the discharge of his mandate. The Special Rapporteur requested an informal meeting with the Ambassador in July 2011 and also offered to travel to Switzerland during the month of August to meet with him prior to the submission of the present report, but was unsuccessful in scheduling either meeting. In a press release dated 3 August 2011, the Special Rapporteur appealed to the Government to extend its full cooperation to the carrying out of his mandate and stressed that the establishment of the new mandate provided an opportunity for the Islamic Republic of Iran to engage on a range of human rights issues that had been raised by the international community. On 19 September 2011, in a letter to the Special Rapporteur, the Permanent Representative of the Islamic Republic of Iran to the United Nations at Geneva, Ambassador Seyed Mohammad Reza Sajjadi, expressed a willingness to exchange views and discuss his methodology of work. A letter requesting a country visit in late November was transmitted to the Iranian authorities on 19 September 2011. The Special Rapporteur looks forward to a positive response to that request, as it would further signal the cooperative and constructive intentions of the Islamic Republic of Iran.

3. The Special Rapporteur undertook a private visit to Geneva prior to the commencement of his mandate in July 2011 and a formal visit in early September 2011. He met with a number of stakeholders, including the United Nations High Commissioner for Human Rights and a number of reputable international non-governmental organizations (NGOs) and country delegations, some of which supported the mandate and some of which did not.

4. The present report outlines the methodology that will guide the Special Rapporteur's work throughout the mandate and presents the focus of his work. The Special Rapporteur notes that a separate report of the Secretary-General on developments related to the human rights situation in the Islamic Republic of Iran since September 2010 (A/66/361) will also be submitted to the General Assembly at its sixty-sixth session. Without prejudice to the matters that he wishes to raise with the Iranian authorities, the Special Rapporteur shares the concerns addressed in the report of the Secretary-General, as well as the recommendations contained therein. Accordingly, the present report includes a section on recent developments with regard to the human rights situation in the Islamic Republic of Iran, but focuses on

cases and issues raised directly with the Special Rapporteur and on developments following the session of the Human Rights Council.

5. The Special Rapporteur welcomes statements that have been attributed to various Iranian functionaries about the country's interest in cooperating with the United Nations human rights system, including the standing invitation issued to thematic special procedures and the proposed visit to the Islamic Republic of Iran by the United Nations High Commissioner for Human Rights, as this would provide an opportunity for cooperation between the human rights machinery and the Iranian authorities through contact at the highest level. The Special Rapporteur hopes to have an opportunity to visit first, with a view to helping to make the High Commissioner's visit as substantive as possible. The Special Rapporteur also notes that a number of urgent appeals made by various thematic special rapporteurs remain unaddressed by the Iranian authorities. He fully shares the concerns addressed in those appeals, and regrets that no visit by a mandate holder has taken place since 2005.

6. The Special Rapporteur firmly believes that the establishment of the current mandate provides for a more coordinated engagement with the Iranian authorities on a range of human rights issues that have been raised by the international community. The country mandate is also an opportunity to facilitate a deeper, country-specific understanding of the human rights situation in the Islamic Republic of Iran, in its unique cultural and historical contexts. It is also an opportunity to advance the current efforts being made to address the challenges of the Islamic Republic of Iran in an incremental and holistic manner. The Special Rapporteur also hopes that the Islamic Republic of Iran will view his role as a secure and legitimate space in which to take steps to comply with its international obligations, as well as an opportunity to address the areas of concern communicated to the country during its interactions with the international community on human rights issues.

7. The Special Rapporteur will, therefore, continue to appeal to the Islamic Republic of Iran to extend its full cooperation to the fulfilment of the mandate. Engagement with the country mandate holder can only lessen the potential for politicization, over which the Islamic Republic of Iran has repeatedly expressed concern. However, insufficient cooperation will continue to heighten the concern of the international community and will reduce the potential for a positive and constructive dialogue on these issues.

II. Proposed methodology of work

8. The Special Rapporteur will be guided by the principles of impartiality, independence and transparency, with the explicit objectives of clarification, verification, and cooperation in the implementation of the human rights obligations of the Islamic Republic of Iran. The Special Rapporteur believes that the exercise of his mandate should be free from politicization and be guided solely by the interest of assisting the Islamic Republic of Iran to meet its international obligations in an incremental and transparent manner.

9. The primary focus of the Special Rapporteur's efforts will be to seek the cooperation of the authorities in the Islamic Republic of Iran in the interest of fair and accurate reporting on its human rights situation. In this regard, the Special Rapporteur will continue to express interest in undertaking field visits to the

country, meet with relevant official delegations of the country and seek information from the Iranian authorities on matters that are being addressed by the Secretary-General and the human rights machinery, especially those relating to issues highlighted in various resolutions of the General Assembly and the Human Rights Council.

10. The Special Rapporteur has sought and will continue to seek the cooperation of a number of Member States, including members of the Human Rights Council, and to request their support in facilitating his work. Although some of those countries are not necessarily supporters of country mandates, they uphold the legitimacy of Council decisions and the importance of international cooperation in the promotion and protection of human rights. The Special Rapporteur intends to remain in close contact with those countries and to seek their support in encouraging the Islamic Republic of Iran to enable the independent examination of the veracity of claims about its human rights situation. The Special Rapporteur hopes that members of the General Assembly will encourage the Islamic Republic of Iran and other countries to extend their cooperation to his efforts to gather relevant and accurate information.

11. The Special Rapporteur has been contacted by a number of Iranian human rights and civil society actors, as well as international organizations, concerning the human rights situation in the Islamic Republic of Iran, and has conducted a number of consultations with them. Those testimonies and issues are included in the present report. The Special Rapporteur will seek the cooperation of the Iranian authorities in examining these cases and will report on developments in his next report.

12. The Special Rapporteur believes that the outcome of the universal periodic review of the Human Rights Council, which examined the situation in the Islamic Republic of Iran in February 2010, provides a sound basis for collaboration between himself and the Iranian authorities. In that regard, he could contribute to the efforts of the Islamic Republic of Iran to implement the 123 recommendations of the review, which it agreed to accept for implementation with transparency and with the support of the international community. The Special Rapporteur will also seek to engage with the Islamic Republic of Iran on those recommendations that it rejected, especially in the light of international human rights law. Moreover, issues highlighted in reports to treaty bodies, in various reports of the Secretary-General and thematic mandate holders, as well as in resolutions of the General Assembly and the Human Rights Council, will constitute a major part of the Special Rapporteur's agenda for engagement with Iran.

13. The Special Rapporteur will also work in collaboration with the other thematic mandate holders on urgent appeals and other communications and will consider generating his own appeals and communications as necessary. He notes that, while a number of communications remain unanswered, there have been many instances in which the Islamic Republic of Iran has responded, and he will seek to increase the level of communication with the Government on matters of interest to the Human Rights Council and the General Assembly.

14. The Special Rapporteur believes that the mandate also entails an important advocacy role in relation to the international obligations of the country concerned and will give considerable attention to collaboration with Iranian human rights defenders and civil society, in accordance with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council. He will also promote

efforts to generate non-political discussion, advocacy, publicity and study of the human rights situation in the Islamic Republic of Iran through civil society interaction and engagement of legal and academic expertise. He also intends to maintain a high media profile, not only to amplify the efforts of the Iranian authorities to meet their international obligations, but also to highlight the grievances of those who feel victimized. In that regard, the Special Rapporteur also believes in maintaining a balance between constructive engagement with Iranian authorities and media advocacy in order to demonstrate good faith and commitment in investigating allegations of human rights abuses.

III. Human rights situation

15. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights on 24 June 1975, without reservations, thereby committing itself to the promotion and protection of the guarantees therein. These include freedom of expression, assembly, association and religion, all of which are recognized as integral to the promotion and protection of democratic ideals.

16. The Covenant also provides for the right to due process, legal assistance and humane treatment of detainees, and prohibits the arbitrary arrest and detention of individuals. International law also secures equal rights of women, stipulating that State parties must ensure the "equal right of men and women to the enjoyment of all civil and political rights" contained in article 3 of the Covenant. Those rights also include the right to be elected by and participate in free and fair elections. Likewise, the Covenant protects the rights of minorities, where they exist in a country, by stipulating, in article 27, that minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion or to use their own language.

17. In line with these human rights safeguards, articles 23 to 27 of the Constitution of the Islamic Republic of Iran provide for freedom of expression, assembly and association as well as the freedom to practise one's religion. In addition, the rights of the accused and detained are protected by the Constitution in articles 32 and 35, wherein it is stated that charges with reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours.

18. A number of individuals and organizations provided the Special Rapporteur with first-hand testimonies, the preponderance of which presents a pattern of systemic violations of the aforementioned fundamental human rights. In that regard, and without prejudice to subsequent communications, the most urgent issues that have been brought to the attention of the Special Rapporteur include multifarious deficits in relation to the administration of justice, certain practices that amount to torture, cruel, or degrading treatment of detainees, the imposition of the death penalty in the absence of proper judicial safeguards, the status of women, the persecution of religious and ethnic minorities, and the erosion of civil and political rights, in particular, the harassment and intimidation of human rights defenders and civil society actors.

19. Furthermore, reports frequently communicated the use of physical and psychological mistreatment and torture for the purposes of inducing

self-incrimination. In that regard, several personal interviews revealed that individuals were often held in solitary confinement for long periods during the investigative phases of their cases. All of those interviewed with regard to their detention reported the consistent use of blindfolds when being transferred from solitary confinement, as well as during their interrogations. Several persons reported being threatened, beaten, insulted or intimidated by threats against family members, and they speculated that those actions were intended to encourage admission to knowledge of or association with persons reportedly unknown to the detainees. Incidences of the arrest and/or intimidation of family members were also often reported.

20. Charges brought against human rights defenders, as well as civil society and religious actors, include: (a) acting against national security; (b) participating in an illegal gathering; (c) insulting the Supreme Leader; and (d) spreading propaganda against the regime. The latter charge appears in a significant number of cases discussed below.

21. The majority of reports also highlight exorbitant bail requirements, reportedly totalling between $10,000 and $500,000, to guarantee the appearance before the court of those arrested for activities pertaining to civil, political or human rights. Defendants and/or their guarantors must often furnish deeds or sign promissory notes that are later used to garnish the wages of guarantors. All reports maintain that deeds used to guarantee appearances were never returned to the guarantors, even after acquittals or final convictions. Since these parties no longer possess the deeds to their properties, they are deprived of financial control of their assets, which produces a disturbing level of persistent punishment, even beyond the conclusion of the cases.

22. Moreover, several reports allege that prosecutors are aware of the sentence to be imposed prior to the defendant's appearance in court for sentencing and often inform the defendants accordingly. Those reports contain speculations that this reflects a lack of independence of judges in such cases, which is of deep concern to the Special Rapporteur.

23. The Special Rapporteur is encouraged by the announcement by Iranian authorities on 28 August 2011 of their intention to pardon 100 political prisoners accused of various crimes, including participation in the 2009 protests. He hopes that this step, together with the review of the cases of human rights defenders, lawyers, journalists, women's rights activists, artists and other civil society actors highlighted in the present report, will advance the Government's progress in improving its human rights situation. Moreover, the Special Rapporteur requests the Government of the Islamic Republic of Iran to provide him with information about the process and the criteria employed to grant amnesty to the aforementioned individuals. The Special Rapporteur is encouraged by the release from custody, on 21 September 2011, of two hikers from the United States of America.

A. Treatment of civil society actors

1. Political activists

24. Reports about the detention conditions and denial of the rights of political leaders Mir-Hossein Mousavi and Mehdi Karroubi, as well as their wives, Zahra

Rahnavard and Fatemeh Karroubi, are deeply disturbing. All four individuals were placed under a form of house arrest by the Government in February 2011 in response to their calls for protest in solidarity with pro-democracy activists throughout the region.

25. A description of Mr. Mousavi's detention conditions was conveyed to the Special Rapporteur during an interview by a person close to his campaign on 26 August 2011. The witness, who wishes to remain anonymous, reported that, despite the fact that no formal charges had been brought against Mr. Mousavi or his wife, the conditions surrounding their confinement to their home had led Mr. Mousavi and Mrs. Rahnavard to consider themselves prisoners of the State. The individuals have reportedly been unable to communicate freely with family or friends since their detention. The witness reported that all methods of communication had been either destroyed or removed from the couple's home. He also stated that, as at two weeks prior to the interview, the couple had been allowed only a few closely monitored visits with family members over the previous six months. It was reported that family members were thoroughly searched, and it was speculated that their visits were recorded. Moreover, the couple have reportedly been deprived of control over their health care, access to publications, privacy and the ability to live a normal life. The harassment and intimidation of Mr. Mousavi's family members was also conveyed. The witness stated that Mr. Mousavi's family was deeply concerned about his health, as he had reportedly lost a significant amount of weight. However, despite several incidents of discomfort that required medical attention, physicians who have treated Mr. Mousavi have reported that his health was not critical.

26. An interview with a close colleague of Mr. Karroubi who wishes to remain anonymous was conducted on 23 August 2011. The witness conveyed a first-hand account of violence directed against Mr. Karroubi and his staff, as well as the conditions of Mr. Karroubi's house arrest. It was reported that all of Mr. Karroubi's phone lines were disconnected and that authorities had entered Mr. Karroubi's home and removed his television and all of his books and files. Mrs. Karroubi was not allowed to keep her medical appointments, the couple's medication was confiscated and Mr. Karroubi has not been allowed access to the family doctor, despite respiratory issues. It was also reported that Mr. Karroubi had been allowed outside for fresh air only once for 10 minutes during his 186 days of house arrest. The witness also stated that Mr. Karroubi's privacy had been compromised, since intelligence officers and cameras transmitting images to an unknown location had monitored all the hallways and rooms of the first location used for the couple's detention. It was further reported that Mr. Karroubi had been allowed only six visits from his family since his house arrest, that visitors were fully searched upon entering and leaving the house and that agents surrounded the couple for the duration of the visits. Mr. and Mrs. Karroubi were removed from their home and taken to separate locations on 16 July and 1 August 2011, respectively. While Mrs. Karroubi is reportedly no longer under house arrest, Mr. Karroubi was transferred and detained in a two-room office and has had no contact with his family since 16 July. Reports that six agents consistently occupy both rooms and that a team of psychiatrists also surrounds Mr. Karroubi for the purpose of coercing televised confessions are deeply disturbing to the Special Rapporteur. It was also reported that members of both Mr. Mousavi's and Mr. Karroubi's families have been harassed, intimidated and/or briefly detained.

27. Heshmatollah Tabarzadi, political activist and Secretary-General of the Iran Democratic Front, was arrested on 27 December 2009 and transferred to Evin prison. He was reportedly confined to a solitary cell and tortured. In October 2010, he was sentenced to nine years' imprisonment and 74 lashes for "gathering and colluding against national security" and "insulting the Supreme Leader". After protesting against the execution of five political prisoners, Mr. Tabarzadi was transferred to Rajaee Shahr prison. He wrote a letter from prison asking the international courts to review his grievances against the Supreme Leader, Ayatollah Ali Khamenei. In April 2011, Mr. Tabarzadi, along with other prisoners, went on a hunger strike to protest prison conditions.

2. Journalists

28. In a letter to the Special Rapporteur dated 17 August 2011, the Committee to Protect Journalists stated that 34 journalists had been detained as at the end of 2010. They wrote that journalists were often subjected to exorbitant bail, at times totalling as high as $500,000. One such case is that of Ahmad Zeidabadi, reformist, journalist and columnist for Rooz Online, and the Secretary-General of the Iranian Alumni Association, Advar-e Tahkim-e Vahdat, who was arrested on 14 June 2009. Mr. Zeidabadi's attorney and wife reported that he was detained for more than two years and denied furlough for the duration of his detention. On 4 August 2011, Mr. Zeidabadi was granted a 48-hour furlough on the condition that he post $500,000 bond. Mr. Zeidabadi was sentenced on 2 January 2010 to six years' imprisonment, five years' exile in Gonabad and a lifetime ban on social and political activities on charges of "attempting to implement a velvet revolution". Mr. Zeidabadi has reportedly spent 141 days in solitary confinement, suffered difficult interrogations and was violently coerced to incriminate himself.[1]

29. Mohammad Davari, winner of the Committee to Protect Journalists International Freedom Award and editor-in-chief of the Saham News website, videotaped statements from detainees at the Kahrizak detention centre who indicated that they had been raped, abused and tortured. This, among other reasons, reportedly led to the closing of the detention centre in July 2009 amid public uproar. Mr. Davari's work reportedly led to his arrest and detention in Evin prison in September 2009, and he was sentenced to five years' imprisonment for "mutiny against the regime". The sentence was recently increased to six years because of Mr. Davari's inability to pay a $5,000 fine for his participation in a teachers' protest in February and March 2006. His mother has written to the Secretary-General, communicating that her son has endured torture while in custody. Mr. Davari was reportedly tortured for the purpose of soliciting televised confessions against Mehdi Karroubi, a former presidential candidate. It is reported that Mr. Davari is being held in solitary confinement and has not been allowed to have contact with his family for more than eight months.

30. Accounts regarding the detention and death of an Iranian journalist and social activist, Reza Hoda Saber, raise further concerns about arbitrary arrest and detention and the treatment of civil society actors. Mr. Saber is reported to have suffered a heart attack following a hunger strike at Evin prison and died on 12 June 2011. There are concerns that prison authorities may have denied proper medical attention

[1] Committee to Protect Journalists, "Iran must work toward improving press freedom", 17 August 2011, available at www.cpj.org/2011/08/post-3.php#more.

to Mr. Saber, who is reported to have complained of chest pains for hours before he was given access to medical care. Mr. Saber had been on a hunger strike since 2 June, after Haleh Sahabi, daughter of Ezzatollah Sahabi, a nationalist-religious leader, died of a heart attack after a confrontation with security forces at her father's funeral (see para. 51). Information received by the Special Rapporteur suggests that prisoners use hunger strikes as a means of protesting against prison conditions, arbitrary detention and/or discriminatory sentences. At the time of writing at least 15 prisoners were reported to be on a hunger strike, some of whom were in critical condition.

31. Issa Saharkhiz, journalist, political activist and former head of the National Press Department of the Ministry of Culture and Islamic Guidance, is being detained at Rajaee Shahr prison on charges of "insulting the Supreme Leader" and making "propaganda against the regime". Mr. Saharkhiz was arrested on 3 August 2009 and sentenced to three years in prison, along with a one-year ban on foreign travel and a five-year prohibition on journalistic activities. Mr. Saharkhiz was informed on 5 August 2011 that he had been sentenced to an additional two years in prison for his prior journalistic activities.

32. Hossein Ronaghi Maleki, a blogger, was arrested on 13 December 2009 and held in solitary confinement for almost 11 months in Evin prison in ward 2-A. Mr. Maleki was sentenced to 15 years in prison on 5 October 2010 on charges of "membership in the Iran Proxy Network", "insulting the Supreme Leader" and "insulting the President". Mr. Maleki's attorney announced that his client had health issues that required medical attention outside the prison. On 15 March 2010, *Kayhan* newspaper published an article in which Mr. Maleki was accused of, inter alia, "accepting money from Western countries", "helping political figures escape Iran" and "heading political gangs". Mr. Maleki is reportedly being held in ward 350 in Evin prison.

33. Masoud Bastani, a journalist, was arrested on 5 July 2009 for "activities on the Jomhouriyat website", which openly supported Mr. Mousavi during the 2009 presidential elections, as well as "collusion, creating riots, and propaganda against the regime". Mr. Bastani reportedly spent three months in solitary confinement and was beaten by a prison staff member during a family visit in June 2011, when he asked for a few more minutes to say goodbye to his mother and wife. As a result, Bastani suffered nausea and disorientation leading to his transfer to the hospital, where he reportedly spent a day under observation for brain damage. After retracting his complaint for the beating, he was transferred from a solitary cell to the general ward.

34. Bahman Ahmadi Amouee, a journalist who contributed to reformist newspapers and was the author of a blog, was arrested in June 2009 and is serving a five-year sentence for "actions against national security". In a letter describing his prison conditions, Mr. Amouee and several other prisoners wrote that most of them had been subjected to inhumane conditions, including the common use of solitary confinement in cells measuring approximately 2.2 by 1.6 m (6.6 by 4.8 ft). The letter conveyed that they were subject to severe beatings and mistreatment, including the shoving of their heads into toilet bowls, repeated threats and the use of prolonged sleep deprivation.

35. Mohamamd Sadiq Kaboudvand, founder of the Human Rights Organization of Kurdistan (HROK) and a journalist, was arrested in June 2007 and held in Evin

prison, where he was placed in solitary confinement for five months. He was sentenced to 10 years in prison on charges of "acting against national security through establishment [of] HROK", "widespread propaganda against the system by disseminating news", "opposing Islamic penal laws by publicizing punishments such as stoning and executions" and "advocating on behalf of political prisoners". Mr. Kaboudvand has since suffered from a series of chronic and acute medical problems often not attended to by medical staff, including two strokes in 2010. Mr. Kaboudvand's wife stated that her husband had told her that he had been seen by a neurologist after the first stroke, but that he had not been examined thoroughly and no tests had been administered. She also reported that her husband had maintained that the attending physician had prescribed a series of pills to be taken daily instead, but had not given any details about their name, their prescribed use or their possible side effects.

36. Taghi Rahmani, journalist, author, member of the Nationalist Religious Activists Council and an active member of Mehdi Karroubi's 2009 election campaign, was arrested on 9 February 2011 after unidentified security agents reportedly broke into his home violently and detained him in the presence of his wife and two young children. According to his wife, Narges Mohammadi, Iranian authorities have not given any information about his charges to date.

37. Keyvan Samimi, managing editor of the now-defunct *Nameh* magazine, was arrested on 14 June 2009. He was sentenced to six years in prison and a lifetime ban on political, social and cultural activities on charges of "membership in illegal groups, including the 'National Religious Coalition', 'National Peace Council' and the 'Committee to Investigate Arbitrary Detentions'". An appeals court upheld his prison sentence but reduced the ban on his activities to 15 years. Mr. Samimi has developed liver disease in prison, but prison authorities have reportedly refused to give him permission to have medical treatment outside prison. Mr. Samimi has also been reportedly subjected to ill-treatment on numerous occasions during his time in custody, and in February 2010 local activists reported that he had been transferred to solitary confinement after he objected to substandard conditions. It was reported that his family visits were also cancelled.

3. Student activists

38. Three interviews with student activists who wish to remain anonymous were conducted. They reported that they faced arrest and intimidation and were sometimes subjected to beatings and torture for their ties to legally registered student activist organizations. Additional cases were also communicated to the Special Rapporteur by reputable NGOs.

39. Student activist Abdollah Momeni was arrested on 21 June 2009 and sentenced to 4 years and 11 months in prison for his participation in the 2009 protests. It was reported that Mr. Momeni was placed in solitary confinement for almost 200 days, subjected to physical and psychological abuse and coerced into making a televised confession. In a letter to Ayatollah Khamanei, Mr. Momeni wrote that his interrogator had strangled him to the point of unconsciousness and that authorities frequently shoved his head into toilets. Momeni also reported that he had been deprived of furlough and family visits after the submission of that letter. New charges were filed against Mr. Momeni on 27 July 2011 for allegedly writing the aforementioned letter. Mr. Momeni's wife also reported that her husband needed

medical treatment outside of prison, but that he had been denied proper medical care. Mr. Momeni has yet to be sentenced, however, and he has not been given furlough since his detention.

40. Ramin Parchami, a graduate student of film directing and acting, was arrested during the 14 February 2011 street protests. The presiding judge sentenced Mr. Parchami to one year in prison on charges of "acting against national security through participation in an illegal gathering", "attempting to videotape" and "disrupting public order". The artist, who supports the Green Movement, was detained in a solitary cell at the Intelligence Ministry's ward 209 inside Evin prison for more than two months. He was then transferred to ward 350.

41. Ali Malihi, student activist, journalist, and member of the Tahkim-e Vahdat Alumni Association, was arrested on 2 February 2010 and convicted on charges of "congregation and collusion against the regime", "propaganda against the regime", "participation in illegal gatherings", "publication of falsehoods" and "insulting the President". His four-year sentence on those charges was upheld in July 2011.

42. Arash Sadeghi, a student activist, was denied the right to continue his higher education, reportedly as a result of his involvement in Mir-Hossein Mousavi's presidential campaign. Mr. Sadeghi was first arrested on 9 July 2009 during a raid of Tehran University's campus and released after 45 days. Mr. Sadeghi was arrested again in the aftermath of the 27 December 2009 Ashura Day protests, and released in April 2010. He was summoned to Evin prison court in November 2010 and arrested and sentenced to five years in prison for "assembly and collusion against the regime". Sadeghi was reportedly hospitalized in April 2011 due to a hunger strike that led to his slipping into a coma. Mr. Sadeghi also reportedly suffers from other medical problems as a result of repeated beatings and torture, including a lung infection and limb paralysis.

4. Artists

43. Jafar Panahi, a highly acclaimed Iranian film director and winner of the Cannes Film Festival's Camera d'Or Award and the Venice Film Festival's Golden Lion Award for his films "White Balloon" and "The Circle", was first arrested on 30 July 2009, along with documentary filmmaker Mahnaz Mohammadi, when they attended a memorial to pay their respects to those who were killed during the post-election protests. He was released a few days later. Mr. Panahi was arrested again on 1 March 2010 at his home, along with 18 family members and friends. His family and friends were released after a few days, but he remained in detention until 25 May 2010, when he was released on $200,000 bail following reactions from the international arts community. On 20 December 2010, the presiding judge sentenced Mr. Panahi to six years in prison and imposed a 20-year ban on making and directing any films, writing screenplays, conducting interviews with the national or international media and travelling abroad.

44. Film director Mohammad Rasoulof, Mr. Panahi's colleague, was also sentenced to six years in prison. Branch 26 of Tehran's Revolutionary Court cited articles 500, 610 and 19 of the Islamic Penal Code as the basis for its ruling, listing charges such as "assembly and collusion with the intent to commit a crime against national security, and propagating against the Islamic Republic of Iran".

45. Mohsen Namjoo, a well-known Iranian singer and composer, was sentenced in absentia to a five-year prison term on 9 June 2009. Mr. Namjoo's conviction for the crime of "insulting Islamic sanctities" was based on his alleged ridiculing and unconventional singing about the Koran. He is currently abroad.

5. Lawyers

46. Prominent human rights lawyer and Nobel laureate, Shirin Ebadi, submitted to the Special Rapporteur a list of 42 attorneys that have faced Government prosecution since 2009. She noted that the Government of the Islamic Republic of Iran had been viewing lawyers representing political and ideological defendants with suspicion in recent years and, as a result, they had had criminal cases filed against them. Some of them, such as Houtan Kian, Ghasem Sholeh-Sa'adi and Hossein Younesi, were currently in prison. Several others, such as Mohammad Ali Dadkhah, Khalil Bahramian and Abdolfattah Soltani, were free on bail, and others, such as Mahnaz Parakand and Nasim Ghanavi, were being interrogated. Ms. Ebadi also stated that the majority of the attorneys faced charges related to their representation and public advocacy for the rights of defendants in political cases, and that it was inevitable that, as a result, lawyers in the country would soon lose the courage to defend those individuals.

47. A prominent Iranian human rights lawyer, Nasrin Sotoudeh, was summoned to Evin prison court on 4 September 2010, where she was arrested and transferred to solitary confinement. In January 2011, she was sentenced to 11 years in prison, with a 20-year ban on being professionally active and a 20-year travel ban on charges of "acting against national security", "colluding and propagating against the Islamic Republic of Iran" and "membership in the Defenders of Human Rights Centre". Almost a year after her arrest, Ms. Sotoudeh, the mother of two young children, remains in Evin prison and is denied furlough. After being told by interrogators that the appeals court would uphold her 11-year prison sentence, Ms. Sotoudeh withdrew her request for appeal. She has been on several hunger strikes to protest her illegal detention and violations of her rights. According to information received by the Special Rapporteur, Ms. Sotoudeh's husband, Reza Khandan, who has publicly campaigned for fair treatment for his wife, was questioned by the authorities, arrested and reportedly subjected to physical abuse and threats. Ms. Sotoudeh's family members were reportedly physically abused and detained by prison authorities in a recent visit to the prison. In protest against the physical abuse and detention of family members, Ms. Sotoudeh has reportedly stopped receiving family visits.

48. Mohammad Seifzadeh, prominent lawyer and co-founder of the Defenders of Human Rights Centre, was sentenced on 30 October 2010 to 9 years in prison and a 10-year ban on practising law for "acting against national security" by "establishing the Centre for Human Rights Defenders". His case is currently under review by an appeals court. His charges also include "collusion and assembly with the intent to disrupt internal security" and "propagation activities against the regime". He has reportedly been denied access to his attorney and other due process rights.

6. Environmentalists — Save Lake Urmia Campaign

49. Communications regarding escalations in the dispute over threats to Lake Urmia, located between the East and West Azerbaijan provinces of the Islamic

Republic of Iran, were sent to the Special Rapporteur by several NGOs in August 2011. Environmentalists, as well as residents of two major cities surrounding the lake — Urmia and Tabriz — argue that the construction of 35 dams built on 21 rivers that feed the lake deprive it of 5.5 billion cubic metres of water annually. This deprivation is said to be the major cause of increasingly low water levels and salinity of the saltwater lake. It is reported that 8 billion tons of salt will potentially be released into surrounding areas if the lake dries up, producing significant flora and fauna losses and affecting the health and agricultural capacities of an estimated 14 million people in the area.

50. Protests calling for action to save the lake after the Iranian Parliament failed to pass an emergency bill to raise water levels by diverting water from the Aras River began in late August 2011. These protests have reportedly resulted in the arrest and detention of at least 60 individuals for their participation in the protests and injuries to another 45 protestors as a result of shootings by authorities. Allegations of lack of access to lawyers, family and medical treatment, torture and other inhuman and degrading treatment of detained protestors were also received. Faranak Farid, an activist, journalist and member of the Azerbaijani minority in the Islamic Republic of Iran, was reportedly tortured after her arrest on 3 September in the city of Tabriz. Ms. Faranak, currently being held in Tabriz prison, is reportedly accused of insulting the Supreme Leader, spreading propaganda against the system and acting against national security. The Special Rapporteur is concerned by claims of suppression of guaranteed rights to freedom of expression and assembly, as well as allegations of the deprivation of due process rights.

B. Freedom of assembly

51. The International Covenant on Civil and Political Rights guarantees the right to peaceful assembly. However, several accounts alleging the deprivation of the right to peaceful assembly include the Government's denial of permits and intimidation of demonstrations commemorating the anniversary of the June 2009 election protests. The Special Rapporteur was made aware of one such incident in which members of the Government allegedly denied mourners the right to attend the funeral of political activist, Ezatollah Sahabi. Accounts suggest that security forces disrupted the funeral observances, held in June 2011, by forcibly seizing and removing Mr. Sahabi's body and beating mourners, including Mr. Sahabi's daughter, Haleh Sahabi. Ms. Sahabi, also a political activist, was serving a two-year sentence in prison for "spreading propaganda against the regime" and "disrupting public order", but had been released from prison to attend her father's funeral. Eyewitnesses maintain that Ms. Sahabi sustained beatings by the security forces, after which she suffered a fatal heart attack.

52. A former member of Mehdi Karroubi's presidential campaign who wishes to remain anonymous reported during an interview that, on 30 July 2009, Mr. Karroubi had attended a memorial service in Behesht cemetery for those who had died in the June 2009 protests, when police forces reportedly had attacked participants with batons, pepper spray and tear gas. The witness reported that he had been separated from Mr. Karroubi while the latter was being severely beaten, but that Mr. Karroubi had been rushed relatively unharmed to his car by his mandatory security detail. The aforementioned witness also reported another attack on Mr. Karroubi and attendants at a gathering north of Azadi Square on 11 February 2010. Mr. Karroubi was

reportedly beaten on his thighs and back and suffered from exposure to tear gas and pepper spray. One of Mr. Karroubi's sons, Ali Karroubi, was arrested along with many other demonstrators and taken to a mosque for holding. Ali Karroubi was reportedly subjected to severe beatings in front of the other detainees during his detention. It was reported that one arm had been fractured and that he had suffered from injuries to his back and one eye. He was released 24 hours later.

C. Women's rights

53. The Islamic Republic of Iran ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights without reservations, indicating its intention to promote and protect women's enjoyment of all civil, political, social and economic rights set out in the Covenants. While article 20 of the Iranian Constitution states that "all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria", interpretations of how sharia law accommodates gender equality is the subject of ongoing dialogue between the State and women's rights activists. The Special Rapporteur contends that the Government's capacity to accommodate democracy, pluralism and gender equality is seriously undermined by the repression of activities that advance this dialogue.

54. Moreover, the application of certain laws that erect barriers to gender equality undermine the Government's ability to equally protect those human rights stipulated in the International Covenant on Civil and Political Rights for all its citizens. For example, a woman's worth and testimony in a court of law are regarded as half that of a man's. Men have absolute rights to divorce, while women may initiate divorce only if they meet certain conditions, some of which must be agreed to in a marriage contract. Mothers can never be awarded guardianship rights for their children, even upon the death of their husbands. Women do not have equitable inheritance rights, and even when a wife is the sole survivor to her husband's estate, she may not inherit more than a quarter of the estate. If she is not the sole survivor, she is limited to an eighth.

55. Women's rights activists who endeavour to address the aforementioned gender equality issues seem to have been targeted for their campaigns and activities in support of women's rights. For example, members of the "One Million Signatures Campaign" have routinely been subjected to threats, harassment, interrogations and imprisonment. The Special Rapporteur conducted two interviews with members of that campaign who wish to remain anonymous. Those individuals reported that they had been monitored, arrested, detained and interrogated while blindfolded for actions related to their student and women's rights activities. They also reported having been threatened with expulsion from university or prevented from pursuing further education as result of their activities. In addition, they reported having endured lengthy periods in solitary confinement during the investigative phases of their cases, lack of access to legal counsel and being coerced for the purposes of incriminating themselves or others known or unknown to them. One of the witnesses reported having been sentenced in absentia to five years' imprisonment for the "encouragement for protests", one year for disseminating propaganda through media interviews and articles and one year and 74 lashes for "acting against the regime by means of participating in peaceful demonstrations".

56. Moreover, strict implementation of the morality code concerning dress and attempts to criminalize improper veils have limited women's participation in public and social arenas. Equally worrisome are statements made by authorities that blame victims for inducing attackers to violate their physical integrity. These include reports of Government officials citing women's dress as the cause of recent attacks that took place in Isfahan in June 2011, where 14 women were kidnapped and gang-raped while attending a private party. Government statements asserted that the women's dress was a source of the violence perpetrated against them and a rationale for the lack of action in bringing the perpetrators to justice.

57. The case of Bahareh Hedayat, a student and women's rights activist, member of the Central Council and Spokesperson for the "Daftar-e Tahkim-e Vahdat" student union and an activist with the "One Million Signatures Campaign" was submitted to the Special Rapporteur. She was reportedly arrested by the Ministry of Intelligence for the fifth time in four years on 31 December 2009. She was transferred to Evin prison's ward 209. In May 2010, Ms. Hedayat was sentenced to nine and a half years in prison for "assembly and collusion against the regime", "insulting the Supreme Leader" and "insulting the President". The court also reactivated an earlier two-year suspended sentence for participating in a 2006 gathering to protest against laws discriminating against women.

58. Mahboubeh Karami, a women's rights activist and member of the "One Million Signatures Campaign", was arrested on 1 March 2009 and spent 170 days in prison before being released on bail of $500,000. Ms. Karami was sentenced to four years in prison. In February 2011, an appeals court reduced her sentence to three years. She began her three-year prison term on 15 May 2011 after responding to a summons requiring her to report to Evin prison in Tehran. Ms. Karami's charges include "membership in the Human Rights Activists in Iran organization", "propagating against the regime" and "assembly and collusion with the intent to commit crimes against national security".

D. Religious and ethnic minorities

59. The Special Rapporteur is also concerned by reports of targeted violence and discrimination against minority groups. Members of recognized and unrecognized religious and ethnic minorities such Arabs, Azeris, Balochs, Kurds, Nematullahi Sufi Muslims, Sunnis, Baha'is and Christians are reportedly facing a wide range of human and civil rights violations. These include encroachment on their rights to freedom of assembly, association, expression, movement and liberty.

60. The Special Rapporteur is concerned about reports of violations against the Baha'i community, which, despite being the largest non-Muslim religious minority, does not enjoy recognition as such by the Government. Its members have historically suffered multifaceted discrimination, including denial of jobs, pensions and educational opportunities, as well as confiscation and destruction of property. According to information received by the Special Rapporteur, at least 100 members of the Baha'i community, including seven community leaders[2] are currently

[2] Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Saied Rezaie, Behrouz Tavakkoli, Vahid Tizfahm, and Mahvash Sabet are the seven members of the Baha'i faith who had been detained since 14 May 2008 and who went on trial on 12 January 2010 for charges including "acting against national security, espionage and spreading corruption on Earth. They have each been sentenced to 20 years' imprisonment.

critic of the post-election crackdown. Throughout July and August 2009, Ayatollah Saanei spoke out against detentions, torture, forced confessions and violence against dissidents and protestors. On 3 January 2010, plain-clothes Basijis reportedly attacked Ayatollah Saanei's office in the city of Gorgan after he delivered a speech that criticized the post-election developments in that city. Plain-clothes agents also reportedly congregated in front of his house in Qom, attacked it and destroyed property inside on 13 June 2010.

65. Mowlavi Habiballah Marjani, a teacher and director of seminary student affairs at Dar-al-Ulum Seminary, was arrested on 1 May 2011. On 24 May 2011, Bultan News, an Iranian website known for its close association with intelligence circles, claimed that Mr. Marjani had been charged with "attempts to organize illegal gatherings". There is no information about Mr. Marjani's whereabouts or his current condition.

66. Hojataleslam Ahmad Ghabel is a well-known religious scholar and a close associate and former student of the dissident cleric Ayatollah Montazeri. On 14 September 2010, Mr. Ghabel was summoned to the revolutionary court in Mashhad. When he arrived, he was arrested and transferred to Vakilabad prison in Mashhad. He was charged for interviews he had given about prison conditions and mass secret executions inside Vakilabad prison. On 31 July 2011, Mr. Ghabel was ordered to report to that prison, where he is currently serving his 20-month sentence.

67. Hojataleslam Mojtaba Lotfi is a young cleric who published his articles in reformist newspapers and websites. He was arrested on the order of the Special Court for the Clergy in city of Qom on 8 October 2008. He was charged with "publication of lies and production and distribution of articles and writings without a legal permit". The Court sentenced Mr. Lotfi to four years in prison and five years of internal exile on 29 November 2008 and transferred him to Langrood prison in Qom to serve his term. On 29 November 2009, authorities announced that Mr. Lotfi would be allowed to spend his evenings, from sunset until next morning at his home, and that he was required to report to prison every morning. He was arrested again after participating in Ayatollah Montazeri's funeral procession and was subsequently prosecuted by the Special Court for the Clergy under the charge of "participation in Ayatollah Montazeri's funeral during a prison furlough". The court sentenced him to 10 years of internal exile in the city of Ashtian.

68. The Special Rapporteur also received reports of discrimination against Sunni Muslim sects in the Islamic Republic of Iran. For instance, Sunnis are reportedly not allowed to build any mosques and houses of worship and are also prevented from offering prayers in congregation, especially Eid and Friday prayers. On 29 August 2011, a religious Sunni leader and cleric Shaikh-ul-Islam Mawlana Abdul Hameed asked the Supreme Leader to remove barriers from establishing Eid and Friday prayers of Sunnis in major cities. He also expressed concern over reports regarding discriminative measures of officials by taking written oaths from Sunni scholars in Tehran to not offer Eid al-Fitr prayers. Furthermore, on 6 February 2011, security forces reportedly raided a house of worship for Sunnis in Tehran, locked it up and detained its prayer leader, Mowlavi Musazadeh. He was released on 13 March 2011 after posting bail.

imprisoned in the Islamic Republic of Iran. The majority of those detained allegedly face national security-related charges and have undergone judicial proceedings that lacked due process and fair trial standards.

61. In addition, recognized religious minorities reportedly face serious constraints in the enjoyment of their rights and are subjected to severe limitations and restrictions on the freedom of religion and belief. For instance, the Special Rapporteur notes that conversion from Islam is still punishable. Articles 13 and 26 of the Constitution recognize Christianity, granting Christians the right to worship freely and to form religious societies. Article 14 obligates the Government to uphold the equality and human rights of Christians. However, Christians in the Islamic Republic of Iran are reportedly subjected to limitations on their freedom of religion and various forms of religious discrimination. This is said to be particularly true of Protestant Christians, most of whom are newly converted. The Intelligence Ministry is reported to closely monitor Protestant congregations and to routinely summon or detain members of Protestant groups for interrogations, during which individuals are questioned about their beliefs, church activities and other church members and are often urged to return to Islam. In this regard, some Protestants reported having been threatened by intelligence officials with arrest and apostasy charges if they did not return to Islam. This pattern of harassment has reportedly resulted in the operations of most Protestant churches going underground, where church services and Bible studies are conducted in private homes.

62. The Special Rapporteur was particularly disturbed by a recent ruling of the Supreme Court that upheld a death sentence for Yousef Nadarkhani, a Protestant pastor, who was reportedly born to Muslim parents but converted to Christianity when he was 19 years old. The verdict reads that, unless he decides to renounce his Christianity, Mr. Nadarkhani will be executed by hanging. This is an emblematic case of religious intolerance and State-sanctioned violations of the right to freedom of religion and belief, a fundamental freedom guaranteed by international instruments. Behrouz Sadegh-Khanjani, pastor for the Church of Iran in the city of Shiraz, was also detained, in June 2010, and was reportedly held incommunicado in solitary confinement for approximately two months. Authorities originally charged him with apostasy, but later dropped that charge and charged him with "blasphemy" instead. He is currently awaiting trial under this charge.

63. Sufi Muslims in the Islamic Republic of Iran are also subjected to limitations on their freedom of religion and various forms of religious discrimination. This is particularly true of members of the Shia Sufi order, Nematollahi Gonabadi. Authorities sentenced Gholam-Abbas Zare-Haqiqi, a Gonabadi leader, to four years in prison in October 2009, for allowing a burial at Sufi cemeteries, a banned practice. On 13 April 2011, authorities arrested eight Gonabadi dervishes by the names of Abdolreza Kashani, Shokrollah Hosseini, Alireza Abbasi, Ali Kashanifar, Mohammad Marvi, Nazarali Marvi, Ramin Soltankhah and Zafarali Moghimi. The men had been part of a group of dervishes previously sentenced to five months in prison, 50 lashes and one year's exile on charges of "disrupting public order", mainly for assembling in front of the Gonabad Justice Department and prison to protest the detainment of a leader of the order.

64. Ayatollah Yusuf Saanei is a prominent Shia source of emulation in Qom and has a track record of issuing fatwas with reformist interpretations. He supported Mir-Hossein Mousavi's candidacy during the 2009 election, and has been a vocal

E. Capital punishment

69. The interim report of the Secretary-General to the Human Rights Council (A/HRC/16/75) documented a dramatic increase in executions recorded in the Islamic Republic of Iran. In addition to serious concerns over the frequency of its application, the Special Rapporteur is concerned that the death penalty is regularly used in cases where due process rights were denied to the accused. Secret group executions inside prisons, which reportedly occur in alarmingly high numbers, are often carried out without the knowledge and presence of families and lawyers. Public executions, which the Iranian authorities claim have been effective in preventing crimes, also continue to recur. The Special Rapporteur was particularly disturbed by the video footage of recent public executions of three persons convicted of kidnapping and rape in the Azadi Square of Kermanshah on 19 July 2011. As seen in the footage, a large crowd, including children, attended the execution.

70. Moreover, the Special Rapporteur is troubled by reports of the widespread application of the death penalty for crimes that do not meet the international standard for most serious crimes. According to various sources, including Amnesty International, a majority of those executed in 2010 had been convicted of drug-related offences.[3] The Human Rights Committee and the Special Rapporteur on extrajudicial, summary or arbitrary executions have stated that drug offences do not constitute a "most serious crime" for which the death penalty is permissible under international law (see A/HRC/4/20, para. 51). Capital punishment was also applied to cases regarding *Mohareb* or "enmity against God", rape, murder, immoral acts or acts against chastity and kidnapping. More than 200 officially announced executions have taken place in 2011. At least 83 persons, including 3 political prisoners, are known to have been executed in January 2011 alone. It was also noted that 4 per cent of the executions announced by the official Iranian media stipulated no charges. At least one person has been sentenced for apostasy in 2011, and more than 100 officially announced executions in the Islamic Republic of Iran in 2011 were reportedly for drug-related crimes.

71. Furthermore, authorities reportedly conducted more than 300 secret executions at Vakilabad prison in 2010. Vakilabad officials, in violation of Iranian law, allegedly carried out the executions without the knowledge or presence of the inmates' lawyers or families and without prior notification to those executed. It has also been reported that at least 146 secret executions have taken place to date in 2011.

72. It has also been reported that more than 100 juveniles are on death row in the Islamic Republic of Iran. In a joint press statement, on 22 September 2011, the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment condemned the public execution by hanging of 17-year-old Alireza Molla Soltani, which was carried out on 21 September in the city of Karaj. The Special Rapporteurs stressed that any judgement imposing the

[3] According to official judiciary news, Mohammad Bagher Bagheri, Social and Crime Prevention Deputy of South Khorasan province Judiciary, confirmed the executions of 140 persons in relation to drug-trafficking during 2010. Official judiciary news, 26 June 2011, available from http://shorakj.ir/Default.aspx?tabid=1056&ctl=Edit&mid=2234&Code=1762.

death penalty upon juveniles below the age of 18, and their execution, were incompatible with the international obligations of the Islamic Republic of Iran and called upon the Government to institute a moratorium on the death penalty. The execution of minors, defined as an individual under the age of 18 years at the time they committed their offence, is prohibited by the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, to both of which the Islamic Republic of Iran is a State party. Moreover, the Special Rapporteur is concerned with the unequal treatment of boys and girls under the penal code, which currently holds girls criminally liable for their actions six years earlier than boys.

F. Detention for relations with foreign entities

73. Omid Kokabi, an Iranian scientist and a postgraduate student at the University of Texas, has been at Evin prison (wards 209 and 350) since February 2010, when he was arrested after travelling to the Islamic Republic of Iran to visit his family. His charges are cited as "illegitimate earnings" and "relations with an enemy state". Prior to his trial, which was later postponed, Mr. Kokabi wrote a letter to the head of the Iranian judiciary to report prison abuse, torture and solitary confinement. He also wrote that he had been arrested "for the astounding charge of assembly and collusion against national security and was held in solitary confinement for 36 days". Mr. Kokabi wrote that he had been forced to sign false confessions and to report details about individuals he may have observed or come into contact with at embassies or conferences. He stated that he had been told that those individuals were Central Intelligence Agency operatives. He asserts that he has no history of political activity and challenges the legality of his arrest. Mr. Kokabi's attorney also reportedly wrote to the head of the judiciary to declare that he had not had access to his client.

74. The Special Rapporteur conducted an interview with a source that wishes to remain anonymous regarding the arrest and detention of two physicians and HIV/AIDS experts, Arash and Kamiar Alaei, as well as two of their associates, Mohammad Ehsani and Silva Harotonian. A review of the court's decision, issued on 27 January 2004 by the Special Rapporteur, revealed that all four individuals were charged with committing "actions against domestic security by way of cooperation with the Government of the United States of America". A document containing the court's decision stated that the United States Government was suspected of "trying to attract and employ elements of non-governmental organizations, journalists, bloggers, members of the intellectual and educated class, scientific leaders, social movements, and students, by creating organic linkages". The document further cites the evidence used to convict the Alaei brothers, indicating that they had confessed to attending conferences, inviting individuals to participate in conferences and developing, coordinating and executing exchange programmes with entities such as Johns Hopkins University and the Asia Society.

IV. Conclusion

75. **The Special Rapporteur wishes to emphasize his desire for constructive dialogue with the Government of the Islamic Republic of Iran, the international community and civil society. The Special Rapporteur looks forward to the challenging responsibility of this mandate and to positive outcomes in the field**

of human rights in the Islamic Republic of Iran. He has identified a number of promising starting points for cooperation in the present report, notably in the implementation of the recommendations of the universal periodic review, treaty body observations and the findings of other special procedures mandate holders. He has also catalogued an increasing trend of alleged violations of the fundamental rights of the people, guaranteed under international law, and stresses the urgency for greater transparency from the Iranian authorities and closer engagement between the Islamic Republic of Iran and the international community in strengthening human rights safeguards for its citizens.

76. The Special Rapporteur encourages the Government to open greater space for the aforementioned groups of civil society actors to be able to carry out their work. He also wishes to stress the importance of freedom of expression and assembly for a democratic, open society governed by the rule of law, and encourages the Government to refrain from repressing dissent. The Special Rapporteur would also like to underscore the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women, as well religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves.

77. The Special Rapporteur also remains concerned about the well-being and health of prisoners, especially those mentioned in the present report, and encourages the Government of the Islamic Republic of Iran to launch full investigations into those cases. He also requests that he be granted the ability to substantiate accounts raised here through access to both detention centres and those detained. The Special Rapporteur further requests that the Government of the Islamic Republic of Iran review those cases and furnish the Special Rapporteur with information that would enable him to report progress or developments in those matters to the General Assembly and the Human Rights Council. He also urges the Government to increase its cooperation with the special procedures, as this would create a productive space for further actions to improve the human rights situation in the Islamic Republic of Iran.

78. The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran once again requests that he be allowed to visit that country in order to develop his dialogue with the authorities and either substantiate or lay to rest, allegations of human rights violations committed within its sovereign territory.

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Financing of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Financing arrangements for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo for the period from 1 July 2011 to 30 June 2012

Note by the Secretary-General

I. Introduction

1. The Security Council, by its resolution 1991 (2011), extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) until 30 June 2012 and decided, inter alia, that MONUSCO shall support the organization and conduct of national, provincial and local elections through the provision of technical and logistical support, as requested by the Congolese authorities.

2. The proposed budget for MONUSCO for the period from 1 July 2011 to 30 June 2012 contained in the report of the Secretary-General (A/65/744) amounted to $1,423,044,000 gross and provided for the deployment of 760 military observers, 19,815 military contingent personnel, 391 United Nations police officers, 1,050 formed police personnel, 1,126 international staff, 3,073 national staff, 638 United Nations Volunteers and 101 Government-provided personnel, including temporary positions. The proposed budget included resource requirements related to the staffing of the Electoral Assistance Division and for the initial estimated requirements for the movement of electoral materials for the national elections in the amount of $3,420,000.

3. As indicated in paragraph 16 of the budget report, while the Mission intended to support the national elections in 2011/12 through air and road transport of electoral personnel and material within the existing resources to the extent possible, should significant additional resources be required, they would be submitted to the General Assembly for its consideration after the finalization of detailed planning for the elections.

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4. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 19 of its report on the financing of MONUSCO (A/65/743/Add.8), noted the Secretary-General's statement that if, once the detailed planning stage was completed, there was a need for significant additional resources, a request would be presented to the General Assembly for its consideration. In the same paragraph, the Advisory Committee also stated its expectation that any request for additional resources for electoral support would be submitted in a timely manner for consideration by the Assembly in accordance with the established procedures.

5. By its resolution 65/296, the General Assembly appropriated the amount of $1,416,926,000 for the maintenance of the Mission for the period from 1 July 2011 to 30 June 2012. Pending finalization of detailed planning for the conduct of elections, the appropriated resources did not include full requirements for the logistical support of elections.

6. On 30 April 2011, the Commission électorale nationale indépendante (CENI) announced that presidential and National Assembly elections would be held jointly on 28 November 2011 and that provincial legislative elections would be held on 25 March 2012, followed by indirect elections for the second chamber of Parliament, the Senate, on 4 July 2012. The voter registration process, which was originally scheduled to be completed on 30 June 2011, was finalized on 17 July 2011. The seat distribution in the National and Provincial Assemblies, which is based on the results of the voter registration process, was approved by the Parliament and promulgated by the President of the Democratic Republic of the Congo on 17 August 2011. CENI will finalize candidate registration on 27 September 2011. There are 11 presidential candidates and over 17,000 candidates for National Assembly elections.

II. Electoral support resource requirements for MONUSCO for the period from 1 July 2011 to 30 June 2012

7. On the basis of the electoral calendar and in response to the request of the Government of the Democratic Republic of the Congo, additional resources in the amount of $74.6 million would be required for logistical support for the two elections scheduled in November 2011 and March 2012. The cost estimate would provide for the deployment of additional aircraft for the movement of electoral materials by air and the transportation of electoral officials and observers, as well as additional commercial freight charges for the movement of electoral materials by river and road from Kinshasa to main electoral hubs and sub-hubs. In addition, the cost estimate would cover requirements for the establishment of warehousing facilities at the main electoral hubs. The distribution of electoral materials from the sub-hubs to their final destinations would be undertaken by CENI.

8. The provision of logistical support for the conduct of two elections, pursuant to Security Council resolution 1991 (2011), constitutes an additional element in the mandate of MONUSCO for the 2011/12 period, for which no related provision had been included in the approved 2011/12 MONUSCO budget. Taking into account the amount of $1,416,926,000 gross previously approved by the General Assembly under the terms of its resolution 65/296 for the maintenance of the Mission for the 2011/12 period, the total resource requirements for MONUSCO for that period would amount to $1,491,486,100 gross, representing an increase of $74,560,100 gross (see table below).

Table
Financial resources
(Thousands of United States dollars. Budget year is from 1 July 2011 to 30 June 2012.)

Category	*Apportionment* (1)	*Electoral support requirements* (2)	*Total requirements* (3)=(1)+(2)
Military and police personnel			
Military observers	48 473.5	—	48 473.5
Military contingents	437 930.4	—	437 930.4
United Nations police	22 217.1	—	22 217.1
Formed police units	22 440.1	—	22 440.1
Subtotal	**531 061.1**	**—**	**531 061.1**
Civilian personnel			
International staff	202 503.3	—	202 503.3
National staff	69 752.5	—	69 752.5
United Nations Volunteers	30 369.7	—	30 369.7
General temporary assistance	11 579.7	—	11 579.7
Subtotal	**314 205.2**	**—**	**314 205.2**
Operational costs			
Government-provided personnel	4 776.8	—	4 776.8
Civilian electoral observers	—	—	—
Consultants	236.8	—	236.8
Official travel	10 408.4	—	10 408.4
Facilities and infrastructure	130 939.7	481.6	131 421.3
Ground transportation	37 493.9	—	37 493.9
Air transportation	276 703.2	62 575.1	339 278.3
Naval transportation	1 868.6	—	1 868.6
Communications	42 488.2	—	42 488.2
Information technology	12 997.2	—	12 997.2
Medical	15 003.5	—	15 003.5
Special equipment	6 145.8	—	6 145.8
Other supplies, services and equipment	31 097.6	11 503.4	42 601.0
Quick-impact projects	1 500.0	—	1 500.0
Subtotal	**571 659.7**	**74 560.1**	**646 219.8**
Gross requirements	**1 416 926.0**	**74 560.1**	**1 491 486.1**
Staff assessment income	31 980.5	—	31 980.5
Net requirements	**1 384 945.5**	**74 560.1**	**1 459 505.6**
Voluntary contributions in kind (budgeted)	**2 904.4**	**—**	**2 904.4**
Total requirements	**1 419 830.4**	**74 560.1**	**1 494 390.5**

9. The projected additional requirements of $481,600 under facilities and infrastructure relate to the establishment of 15 warehousing facilities at 13 main electoral hubs for the storage of approximately 17,000 tons of electoral materials for the national and provincial elections.

10. The projected additional requirements of $62,575,100 under air transportation relate primarily to rental and operation costs for the proposed deployment of a total of 20 aircraft (6 fixed-wing and 14 helicopters) for the period from November 2011 to April 2012 for the distribution of electoral materials from Kinshasa and Lubumbashi to 13 main electoral hubs and 197 sub-hubs throughout the country as well as the transportation of some 3,300 electoral officials and observers. The cost estimate also includes provision for 15.6 million litres of aviation fuel at an average cost of $1.130 per litre.

11. The projected additional requirements of $11,503,400 under other supplies, services and equipment relate to commercial freight charges for the transportation and distribution of electoral materials by road and river from Kinshasa to 13 main electoral hubs and 197 sub-hubs throughout the country, and take into account the amount of $3,420,000 previously appropriated by the General Assembly for this purpose in its resolution 65/296.

III. Action to be taken by the General Assembly

12. **The action to be taken by the General Assembly in connection with the financing of MONUSCO is to appropriate and assess the amount of $74,560,100 for the period from 1 July 2011 to 30 June 2012, in addition to the amount of $1,416,926,000 previously approved and assessed for the maintenance of the Mission for the same period under the provisions of Assembly resolution 65/296.**